STATE OF ARIZONA FILED

JUL **24** 2019

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE BY WELL 7/24/19

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In the Matter of:

PARKS, HILARY ANN

(National Producer Number 17181146)

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No. 19A-/08-INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Hilary Ann Parks** ("Parks" or "Respondent") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Parks was, at all material times, licensed as an Arizona resident insurance producer with a single line of authority: life insurance. The Department renewed Park's license, number 17181146¹, on April 24, 2017. The license is scheduled to expire on April 30, 2021.

¹ Parks' former Arizona license number, now known as the Legacy License ID Number, is 1068556. Parks was first licensed by the Department on February 24, 2014.

² Parks updated her mailing address with the Department on June 6, 2019 during an Examination Under Oath. Parks' previous address was: 158 W Tremaine Court, Gilbert, AZ 85233-4404.

2. Parks address of record is: 21794 N. Backus Dr., Maricopa, AZ 85138² (business and mailing), and hilaryannparks@gmail.com (business email).

Consumer Ruth Torrisi Complaint

- 3. On or about September 29, 2018, Ruth Torrisi ("Torrisi") filed a complaint with the Department.
- 4. Torrisi alleged that, on or about June 14, 2018, Parks met with her and her husband (the "Torrisis") to help them in retirement planning, life insurance, and to review living will and trust documents. Parks informed the Torrisis that their current life insurance was inadequate and sold them policies with Forester and Mutual of Omaha Insurance companies. Torrisi later learned that no policy applications had been received or placed in force with either company.
- 5. During the June 14, 2018 meeting, the Torrisis also provided Parks with their living will trust document planning binder. Parks advised she would have these documents reviewed. Torrisi paid Parks with three separate personal checks for a total of \$3,795 and five separate credit card payments totaling \$4,792. Torrisi believed these payments were for the new policies, consulting fees, and document review by Parks.
- 6. On June 6, 2019, the Department conducted an Examination Under Oath ("EUO") with Parks. Parks confirmed Torrisi's allegations and admitted her culpability and involvement in the incident.
- 7. During the EUO, Parks presented three money orders totaling \$2,824, a \$100 MasterCard gift card, and Torrisi's living trust binder. Parks stated she had re-paid Torrisi \$917 in cash but had no documentation to support her statement. Torrisi denies receiving this \$917 refund from Parks.

- 8. Parks stated all credit card transactions totaling \$4,792 have been credited back to Torrisi. The Department confirmed this information with Torrisi.
- 9. During the EUO, Parks updated her mailing address and noted she had not notified the Department within thirty days of this change.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as described above, constitutes a violation of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 3. Respondent's conduct, as described above, constitutes improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business, within the meaning of A.R.S. § 20-295(A)(4).
- 4. Respondent's conduct, as described above, constitutes fraudulent practices in the course of doing insurance business, demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, in violation of A.R.S. § 20-295(A)(8).
- 5. Respondent's conduct, as described above, constitutes failing to inform the director in writing within thirty days of a change in the licensee's residential, business or email address, in violation of A.R.S. § 20-286(C).
- 6. Grounds exist for the Director to deny, suspend for not more than twelve months, revoke or refuse to renew and insurance producer's license, within the meaning of A.R.S. § 20-295(A).
- 7. Grounds exist, in addition to or instead of any suspension, revocation or refusal to renew a license, for the Director to impose a civil penalty of not more than \$250.00 for each

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unintentional failure or violation, up to an aggregate civil penalty of \$2,500.00, or impose a civil penalty of not more than \$2,500.00 for each intentional failure or violation, up to an aggregate penalty of \$15,000.00, or order the licensee to provide restitution to any party injured by the licensee's action, pursuant to A.R.S. § 20-295(F).

ORDER

IT IS HEREBY ORDERED THAT:

- 1. Hilary Ann Parks, National Producer Number 17181146, shall immediately pay restitution in the amount of \$871.00 to Ruth Torrisi and provide proof of the restitution payment to the Department.
- 2. Hilary Ann Parks, National Producer Number 17181146, shall immediately pay a civil penalty of \$2,750 for deposit into the state general fund.
- 3. The insurance producer license of Hilary Ann Parks, National Producer Number 17181146, is revoked, effective immediately.

DATED AND EFFECTIVE this _____ day of ______, 2019.

KÉITH A. SCHRAAD Director of Insurance

CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.

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- 3. Respondent is aware of her right to notice and to a hearing, at which she may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives her right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to her to induce her to enter into this Consent Order and that she has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against her and does not preclude any other agency, officer, or subdivision of this state including the Department from instituting civil or criminal proceedings as may be appropriate now or in the future.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC) and that she may have to report this administrative action on any future licensing applications either to the Department or other states' Departments of Insurance.

July 23td 2019

Hilary Ann/Rarks (NPN License No. 17181146)

COPY of the foregoing mailed this $\sqrt{3}$ day of _

Hilary Ann Parks 21794 N. Backus Dr. Maricopa, AZ 85138

Respondent

1	COPY of the foregoing delivered, same date, to:
2	Mary Kosinski, Regulatory Legal Affairs Officer
3	Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Assistant Director, Consumer Protection Division Sharup Korr, Administrative Assistant Consumer Protection Division
4	Sharyn Kerr, Administrative Assistant, Consumer Protection Division Jeff Eavenson, Investigator
5	Aqueelah Currie, Licensing Supervisor Arizona Department of Insurance
6	100 North 15th Avenue, Ste.102 Phoenix, Arizona 85007-2624
7	COPY sent same date via electronic mail to:
8	Hilary Ann Parks
9	hilaryannparks@gmail.com Respondent
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